



IN THE UNITED STATES DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

Applicant:	Ralph F. Kalies	Examiner	n/a
Filed:	6/27/2003	Art Unit:	3626
Serial No:	10/608,265	Docket No.	036806.00434
For:	METHOD FOR CONDUCTING PRESCRIPTION DRUG CO-PAYMENT PLANS		

Mail Stop Missing Parts  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION AND STATEMENT OF FACTS IN SUPPORT OF  
FILING ON BEHALF OF INVENTOR REFUSING TO SIGN  
(37 C.F.R. § 1.47)**

This petition is filed in response to the *Notice to File Missing Parts of Nonprovisional Application* mailed September 23, 2003, (copy enclosed), and is accompanied by:

- 1) a Declaration and Power of Attorney executed by an attorney authorized by the Assignee to sign;
- 2) a check in the amount of \$260 representing the following fees:
  - \$ 130.00 missing parts surcharge
  - \$ 130.00 petition fee (37 CFR §1.17(i))

## I. Action Requested

Petition is hereby made in the above-identified application to (1) accord the application status under 37 C.F.R. § 1.47 as a *Filing when an inventor refuses to sign or cannot be reached*, and (2) treat the accompanying Declaration and Power of Attorney executed by an attorney authorized by Applicant.

## II. Last Known Address of Inventor Refusing to Sign

The last known address of the inventor refusing to sign is as follows:

Ralph F. Kalies  
5772 Kumbier Road  
Pickett, WI 54964

III. Statement of Facts

Diligent efforts have been made to reach the above named inventor refusing to sign.  
However all attempts to obtain the signature of the nonsigning inventor have been unsuccessful.

June 27, 2002	Provisional Application for Patent filed, originally entitled “Improved Prescription Drug Co-Payment Plan”, Serial No. 60/392,066.
October 14, 2002	Assignment from Ralph F. Kalies (“Dr. Kalies”) to his employer Omnicare, Inc., executed.
October 22, 2002	Assignment to Omnicare, Inc., recorded at reel 13426, frame 0631.
October 31, 2002	(on or about) Ralph F. Kalies’ employment agreement with Omnicare, Inc., expires.
June 27, 2003	Non-provisional Application for Patent filed, claiming the benefit of provisional patent application No. 60/392,066.
September 23, 2003	Notice to File Missing Parts received.
October 21, 2003	Communication forwarded to Dr. Kalies attaching patent application and declaration for his review and execution of Declaration.
October 27, 2003	Communication to Omnicare, Inc., that Dr. Kalies received patent documents and Dr. Kalies’ willingness to sign pending Omnicare’s approval of same.
November 7, 2003	Communication to Dr. Kalies regarding Omnicare’s approval.
November 19, 2003	Communication from legal assistant to attorney in charge regarding telephone contact in which Dr. Kalies refused to sign the Oath and Declaration.

Given the above circumstances, submission of the present Petition is believed to be the only course of action which will enable the present application to proceed.

IV. Nonsigning Inventor's Obligation to Assign the Invention

Attached is a copy of the Notice of Recordation Form Cover Sheet and an Assignment document in which Dr. Kalies previously agreed to "execute all necessary and lawful future documents, including assignments in favor of Assignee . . . in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and letters Patent . . . ." Pursuant to his employment agreement with Omnicare, Inc., Dr. Kalies is also obligated to assign all patent rights in this invention to Omnicare, Inc.


V. Conclusion

In view of the foregoing, including the supporting evidence submitted herewith, grant of this Petition is hereby requested.

Please direct any questions regarding this Petition to Applicants' undersigned attorney at the telephone number indicated below.

Respectfully submitted:

Date: November 24, 2003

By:   
Michael A. Forhan  
Reg. No. 46,706

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**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail EL589380155US, postage paid on this 24th day of November, 2003 in an envelope addressed to the following:

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P.O. Box 1450  
Alexandria, VA 22313

  
Pixie I. Picketts